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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,242	09/30/1999	RAHUL R. VAID	61582-00001USPT	5090
7590 07/10/2006 Fish and Richardson P C Suite 5000 1717 Main Street Dallas, TX 75201			EXAMINER MORGAN, ROBERT W	
			ART UNIT 3626	PAPER NUMBER

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,242

Applicant(s)

VAID, RAHUL R.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 76-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 76-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. In amendment filed 4/3/06, the following has occurred: claims 1 has been amended and claims 76-78 have been added. Now claims 1-16 and 76-78 are presented for examination.

Claim Rejections - 35 USC § 112

2. The rejection under 35 USC § 112 and § 132 has been withdrawn by the Examiner based on the changes made by the Applicant to the claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-11, 14-16 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al. in view of "Hawaiian Air to Offer Tickets Through ATMs" by Wall Street Journal.

As per claim 1, Walker et al. teaches a pre-paid airline ticket comprising a record of an advance-purchase of an airline ticket for a fixed price to be utilized by a customer to book a flight, the pre-paid airline ticket including an identifier, the identifier uniquely identifying the pre-paid airline ticket and operable to be utilized by the customer to book a flight, and, associated with identifier, a plurality of geographic flight parameters and a plurality of non-geographic flight parameters, at least one of the plurality of geographic flight parameter being unspecified. These limitations are met by the unspecified-time ticket that includes receiving

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identification of flight information such as destination location and departure times, special fares and also receiving information regarding booking a ticket at the special fares (see: column 3, lines 1-11). In addition, Walker et al. teach a CPU (305, Fig. 3) that is coupled to an electronic mail processor (322, Fig. 3) for processing and storing e-mail message transmitted between the CPU (305, Fig. 3) and the various travel agents, airlines and the like (see: column 7, lines 61-65). Furthermore, Walker et al. teach that the processor communication with a memory device, and the processor is configured to: create a list for air travel, make special fare list available, determine which flight satisfy the user request, select a particular flight and provide notification of flight information (see: column 22, lines 32-47). In an alternative embodiment, Walker et al. also teaches traveler could receive a verification code and use it to pick up a ticket at the airline's desk prior to departure (see: column 15, lines 46-49). Moreover, Walker et al. teaches that if instructed by the traveler (105, Fig. 1) and if there is available inventory for a special fare listing, the travel agent (110, Fig. 1) will book the unspecified-time ticket and create a passenger name record (PNR) number (see: column 5, lines 64 to column 6, lines 5). This suggests that actual flight information is presented and selected by the customer or agent via a network. For example, if only one flight from the participating airlines meets the passengers travel criteria and then is presented and selected by the passenger, it would meet Applicant claimed invention.

Walker et al. fails to teach an identifier associated with the uniquely identifying the record for the customer to user to exercise the pre-paid, fixed price option.

Wall Street Journal teaches that Hawaiian Air plans to allow customer and non-customer of Bank of Hawaii to buy flight coupons through the bank's ATMs 24 hours a day using a card issued by the bank or a major credit card (see: paragraph 4). Furthermore, the coupon or "open

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ticket” will be valid for a year and will cost the same as those purchase from the airline or travel agency. The customer will need to contact Hawaiian Air to reserve space on their desired flight (see: paragraph 4). Since Hawaiian Air is issuing “open tickets” which are valid for year the skilled artisan expects an “open ticket” to include an identifier identifying the pre-paid airline ticket and operable to be utilized by the customer to book a flight.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Hawaiian Air’s “open tickets” as taught by the Wall Street Journal within the unspecified-time airline ticket as taught by Walker et al. with the motivation of providing the customer with a method to purchasing advanced open tickets to allow utmost flexibility thereby better accommodating the traveler.

As per claim 2, Walker et al. teaches the claimed wherein the identifier comprises an alpha-numeric sequence. This feature is met by the seat allocation database (245, Fig. 2) that includes each flight identified by a flight number with a departure date (see: column 10, lines 7 15).

As per claim 3, Walker et al. teaches the claimed plurality of non-geographic flight parameters include at least two of the following: a date, a time, a flight number, and a seat number. This limitation is met by the flight schedule database (240, Fig. 2) that contains flight information including departure date, flight number and flight times and the seat allocation database (245, Fig. 2) that contains seat information (see: column 7, lines 35-41 and column 10, lines 13-15).

As per claim 4, Walker et al. teaches the claimed plurality of non-geographic flight parameters further comprise one or more unspecified non-geographic flight parameters. The

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unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price. The origin and destination of the unspecified-time tickets are all examples of the geographic flight parameter (see: column 12, lines 28-44).

As per claim 5, Walker et al. teaches the claimed one or more unspecified non-geographic flight parameters comprise a range of possible values from which the one or more unspecified non-geographic flight parameters may be selected. This feature is met by the forecasted demand analysis database (230, Fig. 2) that contains information on each selling price for each fare for a given flight (see: column 7, lines 45-49).

As per claim 6, Walker et al. teaches the claimed plurality of geographic flight parameters comprise a departure location and a destination location. This limitation is met by the viewing of special fare listing information including specified destination location from a specified departure location (see: column 2, lines 30-35).

As per claim 7, Walker et al. teaches the claimed dependence between two or more of the plurality of geographic flight parameters. The unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price (see: column 12, lines 28-44).

As per claim 8, Walker et al. teaches the claimed dependence comprises a maximum distance between the destination location and the departure location. The unspecified-time tickets meet this feature, by incorporating flexibility regarding the origin (if there are one or more

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airport in the area local to the traveler) and the destination (is there more than one airport accessible for the traveler's ultimate destination) to select the best flight at a certain price. The origin and the destination (distance) of the airports are all taken into consideration when placing a traveler aboard a flight (see: column 12, lines 28-44).

As per claims 9-11, Walker et al. teaches the claimed dependence comprises a geographical region from which the departure location must be selected for a specified destination and the destination must be selected for a specified departure location. These features are met by viewing a list of special fares to a specific destination location and a specific departure location regarding a specific route (see: column 3, lines 12-23 and column 4, lines 38 42).

As per claim 14, Walker teaches the claimed printed receipt, the printed receipt including a first part for presentation to an airline and a second part for a customer's records, the printed receipt including, in printed form, the unique identifier, the plurality of non-geographic flight parameters, and the plurality of geographic flight parameters (see: column 6, lines 27-32).

As per claim 15, Walker teaches the claimed wherein said processor is further configured to issue an electronic receipt including, the identifier (see: column 15, lines 34-52).

As per claim 16, Walker teaches the claimed wherein the electronic receipt is an email receipt (column 5, lines 49-54).

As per claim 76, Walker teaches the claimed said storage device further stores a database in which the record is stored. This limitation is met by the reservation database (255, Fig. 3) that contains each booking of a ticket for a given fare class on a given flight. The suggests that a

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record of the pre-paid, fixed-price option (ticket) purchased by the customer is stored in the database.

As per claim 77, wherein the processor retrieves the record by accessing the database. This feature is met the processor in communication with a memory device, and the processor is configured to: create a list for air travel, make special fare list available, determine which flight satisfy the user request, select a particular flight and provide notification of flight information (see: column 22, lines 32-47)

As per claim 78, Walker teaches the claimed actual flights presented to the customer are presented with scheduled flight times. This limitation is met when if instructed by the traveler (105, Fig. 1) and if there is available inventory for a special fare listing, the travel agent (110, Fig. 1) will book the unspecified-time ticket and create a passenger name record (PNR) number (see: column 5, lines 64 to column 6, lines 5). This suggests that actual flight information is presented and selected by the customer or agent via a network. For example, if only one flight from the participating airlines meets the passengers travel criteria and then is presented and selected by the passenger, it would meet Applicant claimed invention.

11. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker et al. in view of U.S. Patent No 5,953,705 to Oneda.

As per claim 12, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach the claimed configured to store data on a machine-readable, tangible medium.

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Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to include the airplane ticket IC cards with a magnetic stripe as taught by Oneda within the unspecified-time airline tickets as taught by Walker et al. with the motivation of securing the identification of a traveler, thereby providing a fast and efficient way of for a traveler to board their flight.

As per claim 13, Walker et al. teaches a system and method to create and sell unspecified-time airline tickets corresponding to a special fare (see: column 2, lines 25-29).

Walker et al. fails to teach the claimed machine-readable, tangible medium stores an encoded representation of the identifier.

Oneda teaches an airplane ticket system using IC cards (38, Fig. 2C) that are wallet-sized with a magnetic stripe (300, Fig. 2B) and a ten-key portion (308, Fig. 2B) for inputting a personal identification code (see: column 7, lines 66 to column 19). Oneda also teach an IC card portion (312, Fig. 2C) on the IC card (38, Fig. 2C), which the Examiner considers to be similar to a bar code.

The motivation for combining the respective teachings of Walker et al. and Oneda are discussed above in the rejection of claim 12, and incorporated here.

Response to Arguments

12. In response to Applicant's argument, it is respectfully submitted that the Examiner has applied recited new passages and citations to amended claim 1 as well as newly added claims 76-

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78 at the present time. The Examiner notes that newly added limitations were not in the previously pending claims as such, Applicant's remarks with regard to the application of Walker et al., Hawaiian Air and/or Oneda to the amended and newly added limitations are addressed in the above Office Action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

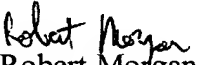
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert Morgan
Patent Examiner
Art Unit 3626


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER